



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/700,565	07/25/1996	MICHEAL L. GRUENBERG	6870-500B	4491

23419 7590 05/05/2003
COOLEY GODWARD, LLP
3000 EL CAMINO REAL
5 PALO ALTO SQUARE
PALO ALTO, CA 94306

EXAMINER

SCHWADRON, RONALD B

ART UNIT	PAPER NUMBER
1644	50

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DEA/FCE-1994 12/700, 565	07/25/96	GRUENBERG	HM 6870-50008
SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

HM11/1027

STEPHANIE SEIDMAN
BROWN MARTIN HALLER & MCCLAIN
1660 UNION STREET
SAN DIEGO CA 92101-2926

SCHNAIDER, R	
EXAMINER	
1644	
ART UNIT	PAPER NUMBER

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

1. The reply filed on 5/27/98 is not fully responsive to the prior Office action because of the following omission(s) or matter(s).

Regarding claim 1 in the amendment filed 5/27/98, said claim has amended a claim that was not previously under consideration in the instant application. Claim 1 has been amended to remove "to clinically relevant numbers", yet the phrase "to clinically relevant numbers" is still present in line 8. This phrase was not present twice in original claim 1.

The M.P.E.P. section 714.22 (Rev. 3, July 1997) pages 700-130 to 700-131 specifies protocols for use in amending language in a pending claim. According to amended claim 1 in the amendment filed 5/27/98, the phrase "to clinically relevant numbers" was used twice in claim 1 prior to amendment, while this phrase was actually only present once in original claim 1. Thus, applicant has amended a claim that was not under consideration.

Applicant should carefully examine all pending claims in the amendment filed 5/27/98 to insure that similar errors have not been made.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. Extensions of this time period may be granted under 37 CFR 1.136(a).

2. Papers related to this application may be submitted to Group 1640 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Papers should be faxed to Group 1640 at (703) 305-3014.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Ron Schwadron whose telephone number is (703) 308-4680. The examiner can normally be reached Tuesday through Friday from 8:30 to 6:00. The examiner can also be reached on alternative Mondays. A message may be left on the examiners voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 180 receptionist whose telephone number is (703) 308-0196.



RONALD B. SCHWADRON
PRIMARY EXAMINER
GROUP 1800-1604

Ron Schwadron, Ph.D.
Primary Examiner
Art Unit 1644
October 26, 1998